

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE Nicki M. Todaro Debtor	Bankruptcy No. 19-23010-CMB Adversary No. 20-2035-CMB Chapter 13
Nicki M. Todaro Plaintiff v. Wells Fargo Bank, N.A. Defendant	Related Documents: 11, 38, 42, 43, 44 MOTION TO EXTEND TIME TO ANSWER
Wells Fargo Bank, N.A. Third Party Plaintiff v. PNC Bank, N.A. Third Party Defendant	

PNC BANK, NA'S MOTION TO EXTEND TIME TO ANSWER

AND NOW, comes Third Party Defendant, PNC Bank, N.A., by and through it's counsel, Brian C. Nicholas, Esq. and KML Law Group, P.C. seeking an Extension to File an Answer in the above captioned matter:

(1) On or about April 29, 2020, Third Party Plaintiff, Wells Fargo Bank, NA filed the subject 3rd Party Complaint.

(2) On or about July 2, 2020, PNC Bank, NA filed a motion to dismiss the complaint in lieu of an answer.

(3) The Court conducted oral argument on the motion and the matter was adjourned for briefing.

(4) PNC Bank, N.A. agreed to voluntarily withdraw the motion to dismiss and the Court entered an Order on December 3, 2020. Pursuant to the Order an Answer was to be filed by January 6, 2021.

(5) Pursuant to the Court's prior order adjourning the motion to dismiss, counsel meet and conferred regarding the case. At that time the parties were discussing the possibility of resolving the matter.

(6) Counsel for PNC Bank, NA requested that Counsel for Wells Fargo Bank ask its client for certain documents, namely the HUD-1 from the closing of the Wells Fargo loan as well and the closing file for the Wells Fargo transaction to see if there was any way to resolve this matter without having to incur excessive legal fees on both sides.

(7) Counsel for Wells Fargo advised that he would obtain same from his client. However, to date same have not been provided.

(8) PNC Bank, NA is prepared to expeditiously proceed forward with this matter and zealously defend the adversary proceeding.

(9) There would be no prejudice to Third Party Plaintiff in allowing the extension as PNC Bank, N.A. previously filed a motion to dismiss in this matter and voluntarily agreed to withdraw it. Wells Fargo has been well aware of PNC's position in regard to this matter.

(9) PNC Bank, NA has valid and proper defenses to this matter and it would be unjust to prohibit them from defending this matter. Attached hereto is the Answer that will be filed forthright.

(10) PNC Bank, NA respectfully requests that the Court allow this matter to be adjudicated on the merits.

WHEREFORE, Third Party Defendant, PNC Bank, NA respectfully requests that this Honorable Court enter an Order granting the Motion to Extend the Time to Answer in this matter.

Respectfully Submitted,

Dated: 2/9/2021

/s/ Brian C. Nicholas, Esq.

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